
SENATE BILL 6353

State of Washington

59th Legislature

2006 Regular Session

By Senators Sheldon and Stevens

Read first time 01/11/2006. Referred to Committee on Judiciary.

1 AN ACT Relating to the liability of recreational landowners; and
2 reenacting and amending RCW 4.24.210.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 4.24.210 and 2003 c 39 s 2 and 2003 c 16 s 2 are each
5 reenacted and amended to read as follows:

6 (1) Except as otherwise provided in subsection (3) or (4) of this
7 section, any public or private landowners or others in lawful
8 possession and control of any lands whether designated resource, rural,
9 or urban, or water areas or channels and lands adjacent to such areas
10 or channels, who allow members of the public to use them for the
11 purposes of outdoor recreation, which term includes, but is not limited
12 to, the cutting, gathering, and removing of firewood by private persons
13 for their personal use without purchasing the firewood from the
14 landowner, hunting, fishing, camping, picnicking, swimming, hiking,
15 bicycling, skateboarding or other nonmotorized wheel-based activities,
16 hanggliding, paragliding, rock climbing, the riding of horses or other
17 animals, clam digging, pleasure driving of off-road vehicles,
18 snowmobiles, and other vehicles, boating, nature study, winter or water

1 sports, viewing or enjoying historical, archaeological, scenic, or
2 scientific sites, without charging a fee of any kind therefor, shall
3 not be liable for unintentional injuries to such users.

4 (2) Except as otherwise provided in subsection (3) or (4) of this
5 section, any public or private landowner or others in lawful possession
6 and control of any lands whether rural or urban, or water areas or
7 channels and lands adjacent to such areas or channels, who offer or
8 allow such land to be used for purposes of a fish or wildlife
9 cooperative project, or allow access to such land for cleanup of litter
10 or other solid waste, shall not be liable for unintentional injuries to
11 any volunteer group or to any other users.

12 (3)(a) Any public or private landowner, or others in lawful
13 possession and control of the land, may charge an administrative fee of
14 up to twenty-five dollars for the cutting, gathering, and removing of
15 firewood from the land.

16 (b) A public landowner, or other authorized park or facility
17 operator, is not liable for unintentional injuries to the recreational
18 users of a public park or facility dedicated primarily to off-road
19 vehicle use.

20 (4) Nothing in this section shall prevent the liability of a
21 landowner or others in lawful possession and control for injuries
22 sustained to users by reason of a known dangerous artificial latent
23 condition for which warning signs have not been conspicuously posted.
24 A fixed anchor used in rock climbing and put in place by someone other
25 than a landowner is not a known dangerous artificial latent condition
26 and a landowner under subsection (1) of this section shall not be
27 liable for unintentional injuries resulting from the condition or use
28 of such an anchor. Nothing in RCW 4.24.200 and (~~4.24.210~~) this
29 section limits or expands in any way the doctrine of attractive
30 nuisance. Usage by members of the public, volunteer groups, or other
31 users is permissive and does not support any claim of adverse
32 possession.

33 (5) For purposes of this section, a license or permit issued for
34 statewide use under authority of chapter 79A.05 RCW or Title 77 RCW is
35 not a fee.

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